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Agenda item 22

DRAFT REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-SIXTH SESSION

Rapporteur: Mr. Osman El-Hajjé

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X. COMMUNICATIONS CONCERNING HUMAN RIGHTS: REPORT OF THE WORKING GROUP ON COMMUNICATIONS ESTABLISHED UNDER SUB-COMMISSION RESOLUTION 2 (XXIV) IN ACCORDANCE WITH ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1503 (XLVIII)

* E/CN.4/Sub.2/1994/L.10 and addenda contain the draft chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Sub-Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Commission on Human Rights, will be contained in documents E/CN.4/Sub.2/1994/L.11 and addenda.

GE.94-14170 (E)

X. COMMUNICATIONS CONCERNING HUMAN RIGHTS: REPORT OF THE WORKING GROUP ON COMMUNICATIONS ESTABLISHED UNDER SUB-COMMISSION RESOLUTION 2 (XXIV) IN ACCORDANCE WITH ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1503 (XLVIII)

1. The Sub-Commission considered item 9 at its 32nd, 33rd and .. meetings on 24 and 26 August 1994.

2. By resolution 1503 (XLVIII) of 27 May 1979, the Economic and Social Council authorized the Sub-Commission to appoint a working group (Working Group on Communications) of no more than five of its members to meet annually for 10 working days, immediately before each session of the Sub-Commission, to consider all communications received by the Secretary-General under Council resolution 728 F (XXVIII) of 30 July 1959, including replies of Governments thereon, with a view to bringing to the attention of the Sub-Commission those communications which appeared to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms.

3. The procedure to be followed by the Working Group on Communications in deciding on the admissibility of communications was established by Sub-Commission resolution 1 (XXIV) of 13 August 1971, and the Working Group itself was set up in accordance with Sub-Commission resolution 2 (XXIV) of 16 August 1971.

4. The Sub-Commission had before it a confidential report on the work of the Working Group on Communications at its twenty-second session, held from 18 to 29 July 1994 (E/CN.4/Sub.2/1994/R.1 and addenda), certain communications which had been kept pending before the Sub-Commission since its forty-fifth session in 1993, as well as all Government replies relevant to the material before it. The Sub-Commission wishes to stress in this connection that Government cooperation is essential for the proper functioning of the bodies entrusted with the implementation of the procedure governed by Council resolution 1503 (XLVIII) and expresses the hope that all Governments will in the future respond to communications transmitted to them and thereby contribute to further development in international cooperation in the field of human rights.

5. Mr. F. Yimer, Chairman-Rapporteur of the Working Group on Communications, introduced the Working Group's report and drew attention, as appropriate, to the material which was pending before the Sub-Commission since its forty-fifth session.

6. Following the discussion which ensued, the Sub-Commission decided, pursuant to paragraph 5 of Economic and Social Council resolution 1503 (XLVIII), to refer to the Commission on Human Rights for consideration certain particular situations which appeared to reveal a consistent pattern of gross and reliably attested

violations of human rights. The Sub-Commission also decided to defer action on certain communications to its forty-seventh session, in 1995, and to take no action with regard to other communications.

7. At its ..th meeting (closed part), on 26 August 1994, the Sub-Commission adopted a confidential report, pursuant to paragraph 8 of Council resolution 1503 (XLVIII), by which it communicated to the Commission on Human Rights its decisions taken under paragraph 5 of that resolution.

8. At its ..th meeting, on 26 August 1994, the Sub-Commission decided on the composition of its Working Group on Communications that would meet prior to its forty-seventh session. For the composition of the Working Group, see chapter II, section B, decision 1994/...

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DRAFT REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-SIXTH SESSION

Rapporteur: Mr. Osman El-Hajjé

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XI. THE ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES

* E/CN.4/Sub.2/1994/L.10 and addenda contain the draft chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Sub-Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Commission on Human Rights, will be contained in documents E/CN.4/Sub.2/1994/L.11 and addenda.

XI. THE ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES

(a) Question of human rights of persons subjected to any form of detention or imprisonment

(b) Question of human rights and states of emergency

(c) Individualization of prosecution and penalties, and repercussions of violations of human rights on families

(d) The right to a fair trial

(e) Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

1. The Sub-Commission considered item 10, at its 23rd, 26th, 27th, 29th, 30th and ... meetings, on 17, 19, 22, 23 and ... August 1994.

2. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Report of the sessional Working Group on the Administration of Justice and the Question of Compensation (E/CN.4/Sub.2/1994/22);

Seventh revised annual report and list of States which, since 1 January 1985, have proclaimed, extended or terminated a state of emergency, presented by Mr. Leandro Despouy, Special Rapporteur appointed pursuant to Economic and Social Council resolution 1985/37 (E/CN.4/Sub.2/1994/23);

The right to a fair trial: current recognition and measures necessary for its strengthening: final report prepared by Mr. Stanislav Chernichenko and Mr. William Treat (E/CN.4/Sub.2/1994/24);

National practices related to the right to a fair trial: report of the Secretary-General (E/CN.4/Sub.2/1994/25 and Add.1);

Report of the Secretary-General prepared pursuant to Sub-Commission resolution 1993/26 (E/CN.4/Sub.2/1994/26);

Note verbale dated 10 May 1994 from the Permanent Mission of the Republic of Iraq to the United Nations Office at Geneva addressed to the Centre for Human Rights (E/CN.4/1995/6-E/CN.4/Sub.2/1994/42);

Note verbale dated 12 July 1994 from the Permanent Mission of the State of Kuwait to the United Nations Office at Geneva addressed to the Centre for Human Rights (E/CN.4/1995/9-E/CN.4/Sub.2/1994/44);

Comunicación presentade por escrito por la Comisión para la Defensa de los Derechos Humanos en Centroamérica, organización no gubernamental reconocida como entidad consultiva de la Categoría II (E/CN.4/Sub.2/1994/NGO/6);
Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1994/NGO/8);
Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1994/NGO/10);
Communication écrite présentée par le Centre Europe-tiers monde, organisation non gouvernementale inscrite sur la liste (E/CN.4/Sub.2/1994/NGO/28);

3. At the 23rd meeting, on 17 August 1994, Mr. William Treat, introduced the final report, prepared by Mr. Stanislav Chernichenko and himself (E/CN.4/Sub.2/1994/24).

4. At the 26th meeting, on 19 August 1994, Ms. Claire Palley, Chairperson-Rapporteur of the Working Group on Administration of Justice and the Question of Compensation, introduced the report of the Working Group (E/CN.4/Sub.2/1994/22).

5. At the 30th meeting, on 23 August 1994, Mr. Joinet introduced the seventh revised annual report on human rights and states of emergency on behalf of Mr. Leandro Despouy (E/CN.4/Sub.2/1994/23).

6. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Chernichenko (27th), Ms. Daes (26th), Mr. Fix Zamudio (26th), Mr. Guissé (26th), Mr. Hakim (26th), Mr. Hatano (26th), Mr. Khan, Mr. Limón Rojas (26th), Mr. Merrils (26th), Mr. Yokota (23rd) and Mr. Yimer (26th).

7. Statements were made by the observers for Pakistan (30th) and the Russian Federation.

8. A statement was made by the representative for the United Nations Crime Prevention and Criminal Justice Branch (26th).

9. The Sub-Commission also heard statements by the representatives of the following non-governmental organizations: France-Libertés: Fondation

Danielle-Mitterrand (27th), Indian Commission of Jurists (29th), International Commission of Jurists (27th), International Educational Development, Inc. (29th), International Falcon Movement-Socialist Educational International (30th), International Federation of Human Rights (27th), International Federation of University Women (29th), International Human Rights Association of American Minorities (29th), International Islamic Federation of Student Organizations (27th), International League for Human Rights (29th), International League for the Rights and Liberation of Peoples (27th), International Movement for Fraternal Union among Races and Peoples (30th), International Organization against Torture (29th), Latin American Federation of Associations of Relatives of Disappeared Detainees (30th), Movement against Racism and for Friendship among Peoples (27th), Pax Christi International (29th), Service Peace and Justice in Latin America (29th), World Federation of Democratic Youth (29th), World Federation of Trade Unions (27th) and World Society of Victimology (27th).

10. A joint statement was made by the observers for the non-governmental organizations Liberation and the Regional Council on Human Rights in Asia (29th).

11. Statements equivalent to a right of reply were made by the observers for: Democratic People's Republic of Korea (30th), Iran (Islamic Republic of) (30th), Morocco (30th), Turkey (30th) and Viet Nam (30th).

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DRAFT REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-SIXTH SESSION

Rapporteur: Mr. Osman El-Hajjé

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XI THE ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES

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XI. THE ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES

(a) Question of human rights of persons subjected to any form of detention or imprisonment

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(c) Individualization of prosecution and penalties, and repercussions of violations of human rights on families

(d) The right to a fair trial

(e) Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

Right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms

12. At the 36th meeting, on 26 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.16, sponsored by Mr. Bossuyt, Ms. Chavez, Mrs. Daes, Mr. Eide, Mr. Fan, Mrs. Gwanmesia, Mr. Maxim, Ms. Palley, Ms. Warzazi and Mr. Yimer.

13. A statement in connection with the draft resolution was made by Ms. Palley.

14. The draft resolution was adopted without a vote.

15. For the text as adopted see chapter II, section A, resolution 1994/33.

Question of the impunity of perpetrators of violations of human rights

16. At the 36th meeting, on 26 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.29, sponsored by Mr. Bengoa, Mr. Bossuyt, Ms. Chavez, Mrs. Daes, Mr. Decaux, Mr. El-Hajjé, Mr. Fan, Mrs. Forero Ucros, Mr. Guissé, Mr. Hakim, Mr. Hatano, Mr. Khalil, Mr. Fix Zamudio, Mr. Lindgren Alves, Mr. Ramadhane, Ms. Warzazi and Mr. Yimer. Mrs. Gwanmesia subsequently joined as sponsor.

17. The draft resolution was adopted without a vote.

18. For the text as adopted see chapter II, section A, resolution 1994/34.

The right to a fair trial

19. At the 36th meeting, on 26 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.35, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Ms. Chavez, Mrs. Daes, Mr. Fix Zamudio, Mrs. Forero Ucros, Mr. Guissé, Mrs. Gwanmesia, Mr. Hatano, Mr. Khan, Mr. Lindgren Alves, Mr. Maxim, Ms. Palley, Mr. Ramadhane, Ms. Warzazi and Mr. Yimer.

20. The draft resolution was adopted without a vote.

21. For the text as adopted see chapter II, section A, resolution 1994/35.

Question of human rights and states of emergency

22. At the 36th meeting, on 26 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.50, sponsored by Mr. Decaux, Mr. Bengoa, Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mr. Chernichenko, Mr. Eide, Mr. El-Hajjé, Mrs. Forero Ucros, Mr. Guissé, Mrs. Gwanmesia and Ms. Warzazi.

23. Statements in connection with the draft resolution were made by Mr. Bossuyt, Mr. Chernichenko, Mr. Decaux, Mr. Eide, Mr. El-Hajjé, Ms. Palley and Mr. Yimer.

24. A statement on the estimate of the programme budget implications of the draft resolution was made by a representative of the Secretary-General, in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

25. The draft resolution was adopted without a vote.

26. For the text as adopted see chapter II, section A, resolution 1994/36.

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DRAFT REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-SIXTH SESSION

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XII PREVENTION OF DISCRIMINATION AGAINST WOMEN

* E/CN.4/Sub.2/1994/L.10 and addenda contain the draft chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Sub-Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Commission on Human Rights, will be contained in documents E/CN.4/Sub.2/1994/L.11 and addenda.

GE.94-14373 (E)

XII. PREVENTION OF DISCRIMINATION AGAINST WOMEN

1. The Sub-Commission considered item 11 together with items 7 and 8 (see chapters VIII and IX) at its 31st, 34th and 36th meetings, on 23, 25 and 26 August 1994.

2. Statements were made by the observers for China (34th), Honduras (34th), India (34th) and Pakistan (34th).

3. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: Indian Institute for Non-Aligned Studies (31st), International Federation of University Women (34th), International Movement Against All Forms of Discrimination and Racism (31st) and Pax Christi International (34th).

Human rights of women and the girl child

4. At the 36th meeting, on 26 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.53, sponsored by Ms. Ferriol Echevarría, Mr. Bengoa, Mr. Bossuyt, Mr. Boutkevitch, Mr. Chernichenko, Mr. Decaux, Mr. Fan, Mr. Fix Zamudio, Mrs. Forero Ucros, Mr. Guissé, Mrs. Gwanmesia, Mr. Khalil, Mr. Khan, Mr. Lindgren Alves, Mr. Maxim, Ms. Palley, Mr. Ramadhane, Ms. Warzazi and Mr. Yimer.

5. Mrs. Daes proposed to amend operative paragraph 1 by adding in two places, after the words "every" and "all", the word "relevant". The amendment was accepted by the sponsors.

6. Ms. Warzazi proposed to replace the text of operative paragraph 5, which read as follows:

> "Decides to consider the question at its forty-seventh session under agenda item entitled 'Prevention of discrimination against women'."

with a new paragraph."

7. At the proposal of Mrs. Gwanmesia and Mr. Eide, Ms. Warzazi further revised the draft resolution by adding a new operative paragraph 3 and a new operative paragraph 4.

8. Statements in connection with the draft resolution were made by Mrs. Daes, Mr. Eide, Mrs. Gwanmesia and Ms. Warzazi.

9. The draft resolution, as amended and revised, was adopted without a vote.

10. For the text as adopted see chapter II, section A, resolution 1994/43.

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DRAFT REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-SIXTH SESSION

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* E/CN.4/Sub.2/1994/L.10 and addenda contain the draft chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Sub-Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Commission on Human Rights, will be contained in documents E/CN.4/Sub.2/1994/L.11 and addenda.

XIII. HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS

1. At its 26th meeting, on 19 August 1994, the Sub-Commission decided, without a vote, to postpone consideration of item 12 of its agenda until its forty-seventh session.

2. For the text of the decision, see chapter II, section B, draft decision 1994/108

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* E/CN.4/Sub.2/1994/L.10 and addenda contain the draft chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Sub-Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Commission on Human Rights, will be contained in documents E/CN.4/Sub.2/1994/L.11 and addenda.

GE.94-14059 (E)

XIV. ENCOURAGEMENT OF UNIVERSAL HUMAN RIGHTS INSTRUMENTS

1. The Sub-Commission considered item 13 at its 26th meeting, held on 19 August 1994.

2. The Sub-Commission had before it a note by the Secretary-General (E/CN.4/Sub.2/1994/27) in connection with its consideration of the item.

3. The Sub-Commission heard statements by the following non-governmental organizations: International Human Rights Association of American Minorities, International Indian Treaty Council and Liberation.

4. Mr. Boutkevitch made a statement.

5. A statement was made by the observer for the Republic of Korea.

6. A statement equivalent to a right of reply was made by the observer for Iraq.

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XIV. ENCOURAGEMENT OF UNIVERSAL ACCEPTANCE OF HUMAN RIGHTS INSTRUMENTS

* E/CN.4/Sub.2/1994/L.10 and addenda contain the draft chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Sub-Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Commission on Human Rights, will be contained in documents E/CN.4/Sub.2/1994/L.11 and addenda.

XIV. ENCOURAGEMENT OF UNIVERSAL ACCEPTANCE OF HUMAN RIGHTS INSTRUMENTS

1. The Sub-Commission considered item 13 at its 25th, 26th and 36th meetings, held on 18, 19 and 26 August 1994.

2. In connection with its consideration of the item, the Sub-Commission had before it a note by the Secretary-General (E/CN.4/Sub.2/1994/27).

3. At the 3rd meeting, on 3 August 1994, the Chairman, in accordance with Sub-Commission resolution 1992/1, appointed Mr. Boutkevitch to report to the Sub-Commission on the information received under that resolution.

4. At the 25th meeting, on 18 August 1994, Mr. Boutkevitch presented an analysis of the information received.

5. The Sub-Commission heard statements 1/ by the following non-governmental organizations: International Human Rights Association of American Minorities (26th), International Indian Treaty Council (26th) and Liberation (26th).

6. A statement was made by the observer for the Republic of Korea (26th).

7. A statement equivalent to a right of reply was made by the observer for Iraq (26th).

Encouragement of universal acceptance of human rights instruments

8. At the 36th meeting, on 26 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.48, sponsored by Mr. Bengoa, Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mrs. Daes, Mr. Decaux, Mr. El-Hajjé, Mr. Fan, Mr. Fix Zamudio, Mrs. Forero Ucros, Mr. Guissé, Mrs. Gwanmesia, Mr. Hatano, Mr. Hakim, Mr. Khalil, Mr. Khan, Mr. Lindgren Alves, Mr. Maxim, Ms. Palley, Ms. Warzazi and Mr. Yimer. Mr. Decaux subsequently withdrew as sponsor.

9. A statement in connection with the draft resolution was made by Mr. Decaux.

10. The draft resolution was adopted without a vote.

11. For the text as adopted see chapter II, section A, resolution 1994/31.

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GE.94-13762 (E)

XV. INTERNATIONAL PEACE AND SECURITY AS AN ESSENTIAL CONDITION FOR THE ENJOYMENT OF HUMAN RIGHTS, ABOVE ALL THE RIGHT TO LIFE

1. In connection with item 14, the Sub-Commission had before it a supplementary working paper on the interrelationship between human rights and international peace prepared by Mr. Murlidhar Bhandare pursuant to Sub-Commission resolution 1989/47 (E/CN.4/Sub.2/1994/29).

2. At its 20th meeting, on 16 August 1994, the Sub-Commission decided, without vote, to postpone consideration of item 14 until its forty-seventh session.

3. For the text of the decision, see chapter II, section B, draft decision 1994/107.

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Rapporteur: Mr. Osman El-Hajjé

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XVI. DISCRIMINATION AGAINST INDIGENOUS PEOPLE

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GE.94-14123 (E)

XVI. DISCRIMINATION AGAINST INDIGENOUS PEOPLES

1. The Sub-Commission considered item 15 at its 28th and 29th meetings, on 22 and 23 August 1994.

2. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Technical review of the United Nations draft declaration on the rights of indigenous peoples (E/CN.4/Sub.2/1994/2);

Draft declaration on the rights of indigenous peoples as agreed upon by the members of the Working Group at its eleventh session (E/CN.4/Sub.2/1994/2/Add.1);

Report of the Working Group on Indigenous Populations on its twelfth session (E/CN.4/Sub.2/1994/30);

Protection of the heritage of indigenous people: preliminary report of the Special Rapporteur, Mrs. Erica-Irene Daes, submitted in conformity with Sub-Commission resolution 1993/44 and decision 1994/105 of the Commission on Human Rights (E/CN.4/Sub.2/1994/31);

Transnational investments and operations on the lands of indigenous peoples: report of the Centre on Transnational Cooperations submitted pursuant to Sub-Commission resolution 1990/26 (E/CN.4/Sub.2/1994/40);

Note by the Chairperson-Rapporteur of the Working Group on Indigenous Populations, Mrs. Erica-Irene A. Daes: International Decade of the World's Indigenous People (E/CN.4/Sub.2/1994/52);

Written statement submitted by the Indian Law Resource Centre, a non-governmental organization on the Roster (E/CN.4/Sub.2/1994/NGO/15);

Written statement submitted by the Commission for the Defense of Human Rights in Central America, a non-governmental organization in consultative status (Category II) (E/CN.4/Sub.2/1994/NGO/16);

Written statement submitted by the Grand Council of the Crees (of Quebec), a non-governmental organization on the Roster (E/CN.4/Sub.2/1994/NGO/31).

3. At the 28th meeting on 22 August 1994, Mrs. Erica-Irene Daes, Chairperson-Rapporteur of the Working Group on Indigenous Populations, introduced the draft United Nations Declaration on the Rights of Indigenous Peoples (E/CN.4/Sub.2/1994/2 and Add.1), as well as the report of the Working Group (E/CN.4/Sub.2/1994/30).

4. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Ms. Attah (28th), Mr. Bengoa (28th, 29th), Mr. Boutkevitch (28th), Mr. Chernichenko (28th), Mr. Eide (28th, 29th), Ms. Forero Ucros (28th), Ms. Gwanmesia (29th), Mr. Hatano (28th), Mr. Joinet (28th), Mr. Lindgren Alves (29th), Ms. Palley (28th), Ms. Warzazi (28th), Mr. Yimer (28th).

5. Statements were made by the observers for: Australia (29th), Brazil (29th), Canada (29th), Chile (29th), Denmark (29th), Finland (29th), India (29th), Malaysia (29th), Pakistan (29th), United States of America (29th).

6. The Sub-Commission also heard statements by the representatives of the following non-governmental organizations: Andean Commission of Jurists (28th), Anti-Slavery International (28th), Four Directions Council (28th), Indian Council of South America (28th), Indian Law Resource Centre (28th), International Indian Treaty Council (28th), International Movement for Fraternal Union among Races and Peoples (28th), International Work Group for Indigenous Affairs (28th), Society for Endangered Peoples (28th) and Saami Council (28th). A joint statement was made by the Grand Council of the Crees and International Organization of Indigenous Resource Development (29th).

7. A statement equivalent to a right to reply was made by the observer for Bangladesh (29th).

8. At the 29th meeting, on 23 August 1994, Mrs. Daes made concluding remarks.

9. At the same meeting, Mrs. Daes also introduced her preliminary report on the protection of the heritage of indigenous peoples (E/CN.4/Sub.2/1994/31).

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E

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DRAFT REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-SIXTH SESSION

Rapporteur: Mr. Osman El-Hajjé

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XVI. DISCRIMINATION AGAINST INDIGENOUS PEOPLES

* E/CN.4/Sub.2/1994/L.10 and addenda contain the draft chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Sub-Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Commission on Human Rights, will be contained in documents E/CN.4/Sub.2/1994/L.11 and addenda.

GE.94-14391 (E)

XVI. DISCRIMINATION AGAINST INDIGENOUS PEOPLES

Relocation of Navajo and Hopi families

10. At the 36th meeting, on 26 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.49, sponsored by Mr. Bengoa, Ms. Chavez and Mr. Hatano.

11. A statement in connection with the draft resolution was made by Mr. Hatano.

12. The draft resolution was adopted without a vote.

13. For the text as adopted see chapter II, section A, resolution 1994/44.

Draft United Nations declaration on the rights of indigenous peoples

14. At the 36th meeting, on 26 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.54/Rev.1, sponsored by Mr. Bengoa, Mr. Bossuyt, Mr. Chernichenko, Mrs. Daes, Mr. Eide, Mr. Guisseé, Mr. Hatano, Mr. Hakim, Mr. Khalil, Mr. Khan, Mr. Ramadhane, Ms. Warzazi and Mr. Yimer. Ms. Ferero Ucros and Mrs. Gwanmesia subsequently joined the sponsors.

15. Mrs. Daes proposed to revise the text as follows:

(a) Delete subparagraph (d) of operative paragraph 4;

(b) Delete subparagraph (e) of operative paragraph 4;

(c) In operative paragraph 5, delete, after the words "to participate" the word "fully".

16. The proposals were accepted by the other sponsors.

17. Statements relating to the draft resolution and revisions were made by Mr. Bengoa, Mr. Decaux, Mr. El-Hajjé, Ms. Ferriol Echevarria, Mr. Lindgren Alves, Ms. Warzazi and Mr. Yimer.

18. The draft resolution, as revised, was adopted without a vote.

19. For the text as adopted, see chapter II, section A, resolution 1994/45.

Discrimination against indigenous peoples

20. At the 36th meeting, on 26 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.55/Rev.1, sponsored by Mr. Bengoa, Mr. Bossuyt, Mr. Chernichenko, Mrs. Daes, Mr. Eide, Ms. Ferero Ucros, Mr. Guissé, Mr. Hatano, Mr. Hakim, Mr. Khalil, Mr. Khan, Mr. Ramadhane, Ms. Warzazi and Mr. Yimer.

21. At the request of Mr. Lindgren Alves, Mrs. Daes proposed to delete in operative paragraph 5, after the words "between States and indigenous peoples,"

the words "the International Decade of the World's Indigenous People". The proposal was not accepted by the sponsors.

22. The draft resolution was adopted without a vote.

23. For the text as adopted, see chapter II, section A, resolution 1994/46.

Study on treaties, agreements and other constructive arrangements between States and indigenous populations

24. At the 36th meeting, on 26 August 1994, the Sub-Commission considered draft decision E/CN.4/Sub.2/1994/L.56, sponsored by Mrs. Daes. Mr. Bengoa, Mr. Guissé, Mrs. Gwanmesia and Mr. Hatano subsequently joined the sponsor.

25. The draft decision was adopted without a vote.

26. For the text as adopted, see chapter II, section B, decision 1994/116.

International Decade of the World's Indigenous People

27. At the 36th meeting, on 26 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.57, sponsored by Mrs. Daes. Mr. Boutkevitch, Ms. Ferero Ucros, Mr. Guissé, Mrs. Gwanmesia, Ms. Warzazi and Mr. Yimer subsequently joined the sponsor.

28. The draft resolution was adopted without a vote.

29. For the text as adopted, see chapter II, section A, resolution 1994/47.

Permanent forum in the United Nations for indigenous people

30. At the 36th meeting, on 26 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.58, sponsored by Mrs. Daes. Mr. Boutkevitch, Mr. Eide, Ms. Ferero Ucros, Mr. Guissé, Mrs. Gwanmesia, Ms. Palley, Ms. Warzazi and Mr. Yimer subsequently joined the sponsor.

31. At the request of Mr. Lindgren Alves, Mrs. Daes proposed to revise the third preambular paragraph by replacing the words "United Nations programmes" with "national programmes".

32. Ms. Palley proposed to revise the same paragrpah by deleting, at the end of the paragraph, the words "as stated in article 22 of the Rio Declaration on Environment and Development and in chapter 26 of Agenda 21."

33. Mr. Lindgren Alves and Ms. Palley subsequently withdrew their proposals.

34. Statements relating to the draft resolution and proposals were made by Mr. Bengoa, Mr. Decaux, Mr. Fan, Mr. Lindgren Alves and Ms. Palley.

35. The draft resolution was adopted without a vote.

36. For the text as adopted, see chapter II, section A, resolution 1994/50.

Protection of the heritage of indigenous people

37. At the 36th meeting, on 26 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.59, sponsored by Mr. Bengoa, Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mr. Chernichenko, Mrs. Koufa, Mr. Eide, Mr. Fan, Mr. Fix Zamudio, Ms. Ferero Ucros, Mr. Guissé, Mrs. Gwanmesia, Mr. Hatano, Mr. Hakim, Mr. Joinet, Mr. Khalil, Mr. Khan, Ms. Warzazi and Mr. Yimer.

38. At the proposal of Mr. Lindgren Alves, Mrs. Daes proposed to delete operative paragraph 2. The proposal was not accepted by the sponsors.

39. Ms. Warzazi proposed to revise operative paragraph 2 by replacing the word "Endorses" by the words "Takes note of". The proposal was accepted by the sponsors.

40. Ms. Attah proposed to delete, in operative paragraph 2, after the word "guidelines", the words "which will constitute, after their adoption by the General Assembly, the first formal step towards committing the United Nations system to the protection of the heritage of indigenous people". The proposal was accepted by the sponsors.

41. Statements relating to the draft resolution, revisions and amendments were made by Mrs. Daes, Mr. El-Hajjé, Mr. Lindgren Alves, Ms. Palley, Ms. Warzazi and Mr. Yimer.

42. The draft resolution, as revised, was adopted without a vote.

43. For the text as adopted, see chapter II, section A, resolution 1994/48.

Participation of indigenous persons and organizations in higher bodies of the United Nations

44. At the 36th meeting, on 26 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.60, sponsored by Mr. Bengoa, Mr. Bossuyt, Mr. Boutkevitch, Mrs. Daes, Mr. Eide, Mr. Guissé, Mr. Hatano, Mr. Hakim, Mr. Khalil, Mr. Khan, Mr. Ramadhane, Ms. Warzazi and Mr. Yimer. Ms. Ferero Ucros subsequently joined the sponsors.

45. Ms. Ferriol Echevarria proposed to delete the third preambular paragraph. She subsequently withdrew her proposal.

46. The same proposal was made by Mr. Yimer. The proposal was accepted by the sponsors.

47. Ms. Palley proposed to amend the text as follows:

(a) Replace, in the operative paragraph, the word "at" by the word "during";

(b) Add, at the end of the title of the draft resolution the words "during discussion of the draft declaration on the rights of indigenous peoples".

48. The proposals were accepted by the sponsors.

49. Mrs. Daes proposed to revise the draft resolution by replacing, throughout the text, the word "higher" with the word "all". The proposal was not accepted by the other sponsors.

50. Statements relating to the draft resolution, revisions and amendments were made by Mrs. Daes, Mr. Decaux, Mr. Fan, Ms. Ferriol Echevarria, Mr. Khalil, Ms. Palley and Mr. Yimer.

51. The draft resolution, as revised and amended, was adopted without a vote.

52. For the text as adopted, see chapter II, section A, resolution 1994/49.

Conposition of the Working Group on Indigenous Populations

53. At its 37th meeting, on 26 August 1994, the Sub-Commission decided on the composition of its pre-sessional working groups that would meet prior to its forty-seventh session. For the composition of the Working Group on Indigenous Populations, see chapter II, section B, decision 1994/119.

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UNITED NATIONS

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DRAFT REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-SIXTH SESSION

Rapporteur: Mr. Osman El-Hajjé

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* E/CN.4/Sub.2/1994/L.10 and addenda contain the draft chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Sub-Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Commission on Human Rights, will be contained in documents E/CN.4/Sub.2/1994/L.11 and addenda.

GE.94-14071 (E)

XVII. CONTEMPORARY FORMS OF SLAVERY

1. The Sub-Commission considered item 16 at its 11th to 13th and 27th meetings, on 9, 10 and 19 August 1994.

2. In connection with its consideration of the item, the Sub-Commission had before it the following documents:

Report of the Working Group on Contemporary Forms of Slavery on its nineteenth session (E/CN.4/Sub.2/1994/33 and Corr.1);

Report of the Secretary-General on the Programme of Action for the Elimination of the Exploitation of Child Labour and Debt Bondage, submitted pursuant to Commission on Human Rights resolution 1993/79 (E/CN.4/Sub.2/1994/34);

Note by the Secretariat pursuant to paragraph 3 of Commission on Human Rights resolution 1993/27 and paragraphs 25 and 26 of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1993/5 (E/CN.4/Sub.2/1994/41).

3. At the 11th meeting, on 9 August 1994, Mr. Maxim, the Chairman-Rapporteur of the Working Group on Contemporary Forms of Slavery, introduced the report of the Working Group (E/CN.4/Sub.2/1994/33 and Corr.1).

4. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Boutkevitch (12th), Mrs. Chavez (12th), Mr. Eide (11th), Mrs. Forero Ucros (12th), Mr. Limón Rojas (12th), Mr. Lindgren Alves (11th, 12th), Mr. Maxim (12th), Ms. Palley (11th, 13th), Ms. Warzazi (12th, 13th) and Mr. Yimer (11th).

5. Statements were made by the observers for Colombia (13th), India (13th), the Netherlands (13th), the Democratic People's Republic of Korea (13th) and the Republic of Korea (13th).

6. The Sub-Commission also heard statements by the representatives of the following non-governmental organizations: Anti-Slavery International (on behalf of International Catholic Child Bureau, International Abolitionist Federation, International Federation of Social Workers, International Federation of Women Lawyers, International Federation Terre des Hommes, Soroptimist International and World Federation of Methodist Women) (12th), Commission of the Churches on International Affairs of the World Council of Churches (12th), Indian Institute

for Non-Aligned Studies (11th), International Association of Democratic Lawyers (12th), International Association of Educators for World Peace (11th), International Educational Development, Inc. (12th), International Federation of University Women (12th), International Fellowship of Reconciliation (12th), International Human Rights Association of American Minorities (12th), International League for Human Rights (13th), Liberation (11th), Pax Romana (12th) and Women's International League for Peace and Freedom (12th).

7. At the 13th meeting, on 10 August 1994, Mr. Maxim, the Chairman-Rapporteur of the Working Group on Contemporary Forms of Slavery, made his concluding remarks.

Slavery during wartime

8. At its 27th meeting, on 19 August 1994, the Sub-Commission considered draft decision E/CN.4/Sub.2/1994/L.8 sponsored by Ms. Chavez, Mrs. Daes, Mr. Eide, Mrs. Forero Ucros, Mrs. Gwanmesia, Mr. Hatano, Ms. Palley and Mr. Yimer.

9. Ms. Chavez orally revised the draft decision by deleting the words "in particular", in two places, after the words "slavery-like practices during wartime including,".

10. The draft decision was adopted, as revised, without a vote.

11. For the text of the draft resolution, see chapter II, section B, decision 1994/108.

Report of the Working Group on Contemporary Forms of Slavery

12. At the same meeting the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.13 sponsored by Mr. Alfonso Martínez, Mr. Eide, Mr. El-Hajjé, Mr. Guissé, Mr. Hakim, Mr. Maxim, Ms. Palley, Mr. Ramadhane, Ms. Warzazi and Mr. Yimer. Mrs. Koufa and Mr. Lindgren Alves subsequently joined the sponsors.

13. Mr. Maxim revised the text as follows:

(a) Insert, in the second preambular paragraph, the words "alleged practice of" before the words "removal of organs".

(b) Replace, in operative paragraph 4, the words "organ transplantation" by "alleged transplantation of organs".

(c) Add, at the end of operative paragraph 7, the phrase "and requests that international cooperation be extended to developing countries for establishing and implementing such programmes".

(d) Add, in operative paragraph 8, after the words "non-governmental organizations", the phrase "including scientific and medical associations".

(e) Delete, in operative paragraph 9, the words "in depth" after the word "matter", and the words "in particular" after "session and".

(f) Add, in operative paragraph 9, after the word "drafting", the phrase "with the cooperation of the World Health Organization".

(g) Replace, in operative paragraph 18, the word "restrict" with "prohibit", and add, after the word "project", the phrase "with the cooperation and financial contribution of the tourist industry".

(h) Insert, after operative paragraph 18, a new paragraph 19 to read as follows: "Recommends that Governments adopt legislation to punish their citizens who make use of sex tourism, particularly when it involves child prostitution and child pornography;", and renumber the subsequent paragraphs accordingly.

(i) Insert, in new operative paragraph 21, after the word "States", "non-governmental organizations, tourist industry syndicates, religious leaders and grass-roots organizations".

(j) Delete, in new operative paragraph 26, the words "inside the family".

14. Ms. Warzazi orally revised new operative paragraph 19 by deleting the word "particularly".

15. Upon the proposal of Mrs. Attah, supported by Ms. Ferriol Echevarría, Mrs. Gwanmesia and Mr. Lindgren Alves, the words, in operative paragraph 7, "to developing countries" were deleted.

16. Statements in connection with the draft resolution, revisions and amendments were made by Mrs. Attah, Ms. Ferriol Echevarría, Mrs. Gwanmesia, Mr. Lindgren Alves, Mr. Maxim, Ms. Palley and Ms. Warzazi.

17. A statement on the estimate of the programme budget implications of the draft resolution was made by a representative of the Secretary-General, in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

18. The draft resolution, as revised and amended, was adopted without a vote.

19. For the text of the draft resolution, see chapter II, section A, resolution 1994/5.

United Nations Trust Fund on Contemporary Forms of Slavery

20. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.14 sponsored by Mr. Alfonso Martínez, Mr. Eide, Mr. Guissé, Mr. Hakim, Mr. Maxim, Ms. Palley, Mr. Ramadhane, Ms. Warzazi and Mr. Yimer.

21. The draft resolution was adopted without a vote.

22. For the text of the draft resolution, see chapter II, section A, resolution 1994/6.

Machinery for monitoring the international conventions on slavery

23. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.15 sponsored by Mr. Alfonso Martínez, Mr. Eide, Mr. El-Hajjé, Mr. Guissé, Mr. Hakim, Mr. Maxim, Ms. Palley, Mr. Ramadhane, Ms. Warzazi and Mr. Yimer.

24. The draft resolution was adopted without a vote.

25. For the text of the draft resolution, see chapter II, section A, resolution 1994/7.

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DRAFT REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-SIXTH SESSION

Rapporteur: Mr. Osman El-Hajjé

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* E/CN.4/Sub.2/1994/L.10 and addenda contain the draft chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Sub-Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Commission on Human Rights, will be contained in documents E/CN.4/Sub.2/1994/L.11 and addenda.

GE.94-14065 (E)

XVIII. PROMOTION, PROTECTION AND RESTORATION OF HUMAN RIGHTS AT NATIONAL, REGIONAL AND INTERNATIONAL LEVELS:

(a) Prevention of discrimination and protection of children: human rights and youth

(b) Human rights and disability

1. The Sub-Commission considered item 17 at its 12th to 14th, and 27th meetings, held on 10, 11 and 19 August 1994.

2. The Sub-Commission had before it, in connection with its consideration of the item, a report prepared by the Secretary-General pursuant to Sub-Commission resolution 1993/22 (E/CN.4/Sub.2/1994/35).

3. In the general debate on the item 17, statements 1/ were made by the following members of the Sub-Commission: Mrs. Forero Ucros (12th), Mr. Guissé (12th), Mrs. Koufa (13th), Ms. Palley (13th) and Mr. Zhong (13th).

4. Statements were made by the observers for Brazil (14th), Cuba (14th), El Salvador (14th) and Iraq (14th).

5. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: American Association of Jurists (13th), Habitat International Coalition (13th), Human Rights Advocates (13th), International Association of Educators for World Peace (13th), International Islamic Federation of Student Organizations (14th), International League for the Rights and Liberation of Peoples (13th), International Lesbian and Gay Association (13th), International Movement against All Forms of Discrimination and Racism (14th), Liberation (14th), Minority Rights Group (13th) and World Organization against Torture (13th).

6. A statement equivalent to a right of reply was made by the observer for Viet Nam (14th).

Children and the right to adequate housing

7. At its 27th meeting, on 19 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.7 sponsored by Mr. Bengoa, Mr. Eide, Mrs. Forero Ucros, Mr. Guissé, Mrs. Gwanmesia, Mr. Lindgren Alves, Mr. Maxim, Mr. Merrills and Mr. Yimer. Mrs. Koufa subsequently joined the sponsors.

8. A statement in connection with the draft resolution was made by Mrs. Forero Ucros.

9. The draft resolution was adopted without a vote.

10. For the text of the resolution, see chapter II, section A, resolution 1994/8.

Situation of children deprived of their liberty

11. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.9 sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mrs. Koufa, Mr. Eide, Mr. El-Hajjé, Mr. Fan, Mrs. Forero Ucros, Mr. Guissé, Mrs. Gwanmesia, Mr. Hakim, Mr. Fix Zamudio, Mr. Khan, Mr. Lindgren Alves, Mr. Maxim, Ms. Palley, Mr. Ramadhane, Ms. Warzazi, Mr. Yimer and Mr. Yokota.

12. The draft resolution was adopted without a vote.

13. For the text of the resolution, see chapter II, section A, resolution 1994/9.

Human rights and disability

14. At the same meeting, on 19 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.12 sponsored by Mr. El-Hajjé. Mr. Boutkevitch, Mr. Fan, Ms. Palley, Ms. Warzazi and Mr. Yimer subsequently joined the sponsors.

15. Ms. Warzazi revised the sixth preambular paragraph by deleting, after the word "also", the words "of the disturbing accuracy".

16. In connection with operative paragraph 3, which read "Decides to remain seized of the question and to consider it at its forty-seventh session under the agenda item entitled 'Review of further developments in fields with which the Sub-Commission has been concerned';", Ms. Ferriol Echevarría proposed that the question of human rights and disability be retained under agenda item 17 (b) at the forty-seventh session of the Sub-Commission. The amendment was accepted by the sponsors.

17. Mr. Decaux proposed to insert, after the words "les Règles", the words "par elles-mêmes". The amendment was accepted by the sponsors.

18. Statements in connection with the draft resolution, revisions and amendments were made by Mr. Decaux, Mr. El-Hajjé, Ms. Ferriol Echevarría, Mr. Guissé, Ms. Palley and Ms. Warzazi.

19. The draft resolution, as revised and amended, was adopted without a vote.

20. For the text as adopted, see chapter II, section A, resolution 1994/10.